

ASHLAND CHEMICAL COMPANY
POSITION PAPER ON INTERIM STATUS

BACKGROUND

Ashland Chemical Company's Industrial Chemicals & Solvents (IC&S) Division operates a network of 60 facilities which store, repackage, and distribute industrial chemicals and solvents in bulk and in drums. 20 of the bulk plants are located in Region IV.

Historically (prior to RCRA), IC&S bulk plants had been engaged in hazardous waste management activities. Although the IC&S plants do not manufacture products, they typically generate hazardous wastes in the form of

(1) waste acids resulting from filling containers and corrosive container rinse-water which is neutralized prior to discharge to publicly-owned treatment works or through NPDES-permitted outfalls; and

(2) waste solvents which are recovered from spillage in drumming and transfer operations or which fail to meet customer specification and are stored on-site in drums or bulk containers prior to sale to facilities which recycle or reuse them or prior to disposal at hazardous waste disposal facilities.

Historically (prior to RCRA), some IC&S plants also assisted their customers by removing spent solvents from the customers' plants, storing the spent solvents at IC&S bulk plants, and arranging for the recycling or disposal of the spent solvents along with Ashland Chemical's own waste solvents.

After the promulgation of RCRA regulations on May 19, 1980 and prior to the implementation date of November 19, 1980, Ashland Chemical Company made a number of adjustments in its operating procedures at IC&S bulk plants to reduce the burdens of compliance with RCRA. Although Section 3010(a) notification of hazardous waste activity for generation and TSD was filed for each IC&S bulk plant in August, 1980, the Part A applications submitted in November, 1980 were limited to those activities which were then being conducted under conditions requiring RCRA permits. In general, where hazardous waste generated on-site was being accumulated in drums for less than 90 days and the facility had ready access to off-site disposal facilities, Part A application did not identify drum storage as a process

that would be conducted during interim status since no permit was required under those conditions. IC&S plant operating conditions were adjusted to insure that all such wastes were removed during the 90-day accumulation period. Additionally, in most instances, the IC&S bulk plants suspended the practice of assisting customers by removing customers' wastes for storage and disposal along with the IC&S plant wastes.

ASHLAND-CHEMICAL WASTE MANAGEMENT AGREEMENT

Ashland Chemical Company has entered into an agreement with Chemical Waste Management under which the IC&S division will pick up wastes from Ashland Chemical's customers, store the drummed wastes at IC&S bulk plants along with IC&S plant wastes, and transport the customer's wastes to Chemical Waste Management's hazardous waste disposal facilities. Since many, if not most, of the Ashland Chemical customers to be served under the arrangement qualify as small quantity generators subject to the reduced requirements of 40 CFR 261.5, implementation of the arrangement will insure that a significant amount of hazardous wastes not presently managed under the RCRA hazardous waste management program is brought within the RCRA management system. The key to full implementation of the Ashland Chemical-Chemical Waste Management agreement, is qualification of the IC&S bulk plants as RCRA interim status facilities.

ASHLAND CHEMICAL'S POSITION

It is the position of Ashland Chemical Company that those IC&S bulk plants at which a particular hazardous waste management process (i.e., storage in drums) was operated prior to November 19, 1980 but was not included on the Part A application because the process was to be conducted after November 19, 1980 under conditions not requiring a permit or was to be suspended, should be allowed to qualify for RCRA interim status by revising the Part A application to reflect the resumption of operation of the hazardous waste process.

RATIONALE

On July 31, 1981 by memorandum from Douglas MacMillan, Director, Office of Waste Programs Enforcement, to all EPA regional enforcement directors, EPA analyzed Section 3005 of RCRA as imposing the following conditions for achieving interim status:

- (1) The facility must have been in existence on November 19, 1980;